

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION**

DAD’S PRODUCTS COMPANY, INC.,	)	
	)	
	)	Civil Action No. 03-350
Plaintiff,	)	
	)	
v.	)	
	)	The Honorable Sean J. McLaughlin
SERGEANT’S PET CARE PRODUCTS,	)	
INC.	)	
	)	
Defendant.	)	

**APPENDIX IN SUPPORT OF DEFENDANT’S  
CONCISE STATEMENT OF MATERIAL FACTS IN  
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Defendant Sergeant’s Pet Care Products, Inc. (“SPCP”) files this Appendix in Support of Defendant’s Concise Statement of Material Facts in Support of Motion for Summary Judgment pursuant to Local Rule 56.1 B.3.

**APPENDIX**

- Exhibit 1 - Complaint filed by Dad's Products Company, Inc. v. Sergeant's Pet Care Products, et. al. in the Court of Common Pleas of Crawford County, Pennsylvania (without exhibits)
- Exhibit 2 - Asset Purchase Agreement among Pet Life Foods, Inc., Dad's Products Company, Inc., Gaines Pet Foods Corp., Gaines Pet Foods, Maple Leaf Marketing, Inc. and Shato Holdings, Ltd. dated as of November 23, 1999 (Article 2)
- Exhibit 3 - Supplier and Royalty Agreement between Dad's Products Company, Inc., Pet Life Foods, Inc., Gaines Pet Foods Corp., Gaines Pet Foods, and Shato Holdings, Ltd. dated as of November 23, 1999 (Article 3)
- Exhibit 4 - Settlement Agreement between Dad's Products Company, Inc., Pet Life Foods, Inc. and Gaines Pet Foods (Paragraphs 1, 4)
- Exhibit 5 - Trademark License and Transfer Agreement between Pet Life Foods, Inc. and Sergeant's Pet Care Products, Inc. dated September 1, 2001 (Paragraph 1)
- Exhibit 6 - Settlement and Cooperation Agreement between Pet Life Foods, Inc. Sergeant's Pet Care Products, Inc. Alan D. Brown, and LaSalle Business Credit, Inc. dated May 3, 2002 (Recital C).
- Exhibit 7 - Notification and Cancellation Agreement between Pet Life Foods, Inc. and Sergeant's Pet Care Products, Inc. dated May 2, 2002 (Paragraphs 5, 6)
- Exhibit 8 - Supplier and Royalty Agreement between Dad's Products Company, Inc., Pet Life Foods, Inc., Gaines Pet Foods Corp., Gaines Pet Foods, and Shato Holdings, Ltd. dated as of November 23, 1999 (Article 4)
- Exhibit 9 - Agreement among Dad's Products Company, Inc., Gaines Pet Foods Corp., Gaines Pet Foods and Shato Holdings, Ltd. dated as of May 23, 2002 (Paragraph 2)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Appendix in Support of Concise Statement of Material Facts in Support of Motion for Summary Judgment has been served upon counsel of record this 26th day of September, 2005 by U.S. Mail, first class, postage prepaid, as follows:

Richard A. Lanzillo, Esq.  
Knox McLaughlin Gornall & Sennett, P.C.  
120 West Tenth Street  
Erie, PA 16501-1461

/s/ David White, Esquire  
David E. White